

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT SECURITIES
LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of Bernard
L. Madoff Investment Securities LLC,

Plaintiff,

v.

JAMES B. PINTO REVOCABLE TRUST U/A
DTD 12/1/03; and JAMES B. PINTO, individually
and in his capacity as Grantor and Trustee for the
James B. Pinto Revocable Trust,

Defendants.

Adv. Pro. No. 10-04538 (SMB)

NOTICE OF SUBSTITUTION OF COUNSEL AND PROPOSED ORDER

PLEASE TAKE NOTICE that the law firm of Frejka PLLC, 205 East 42nd Street, New York, New York 10017, shall be substituted in place of the law firm of McClay•Alton, P.L.L.P., 951 Grand Avenue, St. Paul, MN 55101 as co-counsel of record for James B. Pinto Revocable Trust U/A DTD 12/1/03 and James B. Pinto (the “Defendants”) in this adversary proceeding. All notices given or required to be given in this adversary proceeding shall be given to and served upon the following:

FREJKA PLLC
205 East 42nd Street – 20th Floor
New York, New York 10017
Attn: Elise S. Frejka
Jason S. Rappaport
Telephone: (212) 641-0800
Email: efrejka@frejka.com
[jrappoport@frejka.com](mailto:jrapoport@frejka.com)

and

Marvin C. Ingber
Attorney and Counselor at Law
6705 Apache Road
Edina, MN 55439-1001
Telephone: 952-941-3646
Email: mcingber@comcast.net

PLEASE TAKE FURTHER NOTICE THAT the Defendants have knowledge of and
consent to this substitution of counsel.

Dated: St. Paul, Minnesota
November 30, 2016

Dated: New York, New York
December 6, 2016

McClay•Alton, P.L.L.P.

FREJKA PLLC

By: Robert M. McClay
Robert M. McClay
951 Grand Avenue
St. Paul, Minnesota 55101
Telephone: 651-290-0301
Fax: 651-290-2502

By: /s/ Elise S. Frejka
Elise S. Frejka
Jason S. Rappaport
205 East 42nd Street – 20th Floor
New York, New York 10017
Telephone: (212) 641-0800
Fax: (212) 641-0200

Dated: New York, New York
December __, 2016

SO ORDERED:

HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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Defendants.

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DECLARATION OF ELISE S. FREJKA

I, ELISE S. FREJKA declare as follows:

1. I am a member of the firm of Frejka PLLC and a member of the Bar of this Court.

Pursuant to Local Civil Rule 1.4 of the Local Rules of the United States District Courts for the

Southern and Eastern Districts of New York, I submit this declaration in support of the

accompanying notice and proposed order substituting Frejka PLLC for McClay•Alton, P.L.L.P.

as co-counsel for James B. Pinto Revocable Trust U/A DTD 12/1/03 and James B. Pinto (the

“Defendants”) in the above-captioned adversary proceeding. I also have read Local Bankruptcy Rule 2090-1 of the Local Rules of the United States Bankruptcy Court for the Southern District of New York.

2. The Defendants have requested and consent to this substitution of counsel.

3. It is not expected that any delay or prejudice will result to any party in this proceeding from this substitution of counsel.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
December 6, 2016

By: /s/ Elise S. Frejka
Elise S. Frejka